

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Clifton Singletary, #217943, )  
                                  ) C/A No. 0:09-0912-MBS  
Plaintiff,                  )  
                                  )  
vs.                          )  
                                ) **O R D E R**  
State/Federal of South Carolina, )  
                                  )  
Defendant.                 )  
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Plaintiff Clifton Singletary is an inmate in custody of the South Carolina Department of Corrections. Plaintiff currently is housed at Lee Correctional Institution in Bishopville, South Carolina. Plaintiff, proceeding pro se, filed a complaint on April 15, 2009, asserting violations of his constitutional rights with respect to his state law conviction and sentence. Thus, Plaintiff brings this action pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. On May 29, 2009, the Magistrate Judge issued a Report and Recommendation in which she recommended that Plaintiff's complaint be summarily dismissed because (1) to the extent Plaintiff is attempting to sue the State of South Carolina, the State is immune from suit under the Eleventh Amendment; and (2) to the extent that Plaintiff contends his state criminal proceedings are defective, his claims are barred by Heck v. Humphrey, 512 U.S. 477 (1994). Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, Plaintiff's complaint is summarily dismissed, without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina

June 18, 2009.

**NOTICE OF RIGHT TO APPEAL**

**Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**